IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8196 of 2005

Between:

P. Obulesu S/o. Pedda Obanna
R/o. H.No. 5-1836, Geetha Ashram Road,

Prodduturu, Cuddapah District, Andhra Pradesh.

..... PETITIONER

AND

1 The Indian Cements Limited,

Registered Office at Dhun Building, IV Floor, 827,

Annasalai, Chennai, Thamilnadu, Rep. by its Manager.
2 The Indian Cements Limited,

rep., by its Vice President,
Yerraguntha, Cuddapah District A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly, one in the nature of WRIT OF MANDAMUS declaring action of the Respondents in removing the Petitioner from service under the alleged Voluntary Retirement Service Scheme on 16-2-2005 as illegal, arbitrary, against the Terms and Conditions of appointment, violative of the principle of natural justice and contrary to Article 14 & 21 of The Constitution of India and consequently direct the Respondents to re-instate the petitioner in to service and in default, pay the minimum compensation of Rs.6,00,000/- apart from paying the actual remaining service benefits to the petitioner.

Counsel for the Petitioner: Mrs. E.T.MANJUSHAA

Counsel for the Respondents: NONE APPEARED.

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents, in removing the petitioner from service under the alleged Voluntary Retirement Service Scheme on 16-2-2005, as illegal, arbitrary, against the terms and conditions of appointment, violative of the principles of natural justice and contrary to Articles 14 & 21 of the Constitution of India, and consequently to direct the respondents to re-instate the petitioner into service and in default, to pay the minimum compensation of Rs.6,00,000/-, apart from paying the actual remaining service benefits to the petitioner.

2. Heard the learned counsel for the petitioner and perused the affidavit filed in support of the Writ Petition.

3. The learned counsel for the petitioner contended that the respondents, in a high-handed manner and by force, obtained his signatures on the resignation letter, dated 27-12-2004, and he was relieved from duties with effect from 16-02-2005 and that the action of the respondents is illegal.

4. As seen from the material papers, the petitioner gave a letter dated 27-12-2004, requesting the respondents to accept his resignation and relieve him from service immediately. On the same day, the respondent-corporation accepted the resignation and issued a demand draft for Rs.37,030-50 ps to the petitioner, towards Notice Pay, as a special case. The full and final settlement was effected on 16-02-2005. Since the petitioner is contending that the resignation letter, dated 27-12-2004 was obtained by the 2nd respondent with undue influence. The same is required to be established in a different forum but not before this Court, since *prima facie* there is a disputed question of fact, as to whether the petitioner gave the resignation letter dated 27-12-2004 voluntarily. Therefore, this Writ Petition is devoid of merits and the same does not require the interference of this Court.

4. Accordingly, this Writ Petition is dismissed leaving open all the remedies available under law, to the petitioner. No order as to costs.

(K.C.BHANU,J)

13th April, 2005.

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To

1 The Manager,

The Indian Cements Limited,

Registered Office at Dhun Building, IV Floor, 827,

Annasalai, Chennai, Thamilnadu, Rep. by its Manager.

2 The Vice President,

The Indian Cements Limited,

Yerraguntha, Cuddapah District A.P.

3 Two CD copies